



Department of Planning, Building and Code Enforcement

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE
INTENT TO ADOPT A NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

GP04-03-04 & GPT04-03-04: A General Plan Amendment to re-designate S. 7th Street (the public right-of-way from Hwy. 280 to Keyes Street) from “Major Collector – 4 Lanes” to “Major Collector – 2 Lanes” (PB&CE Director-Initiated, City of San Jose). Council District: 3

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director’s intent to adopt a Negative Declaration for the proposed project on **November 29, 2004**, and to provide an opportunity for public comments on the draft Negative Declaration. The public review period for this draft Negative Declaration begins on **November 9, 2004** and ends on **November 29, 2004**.

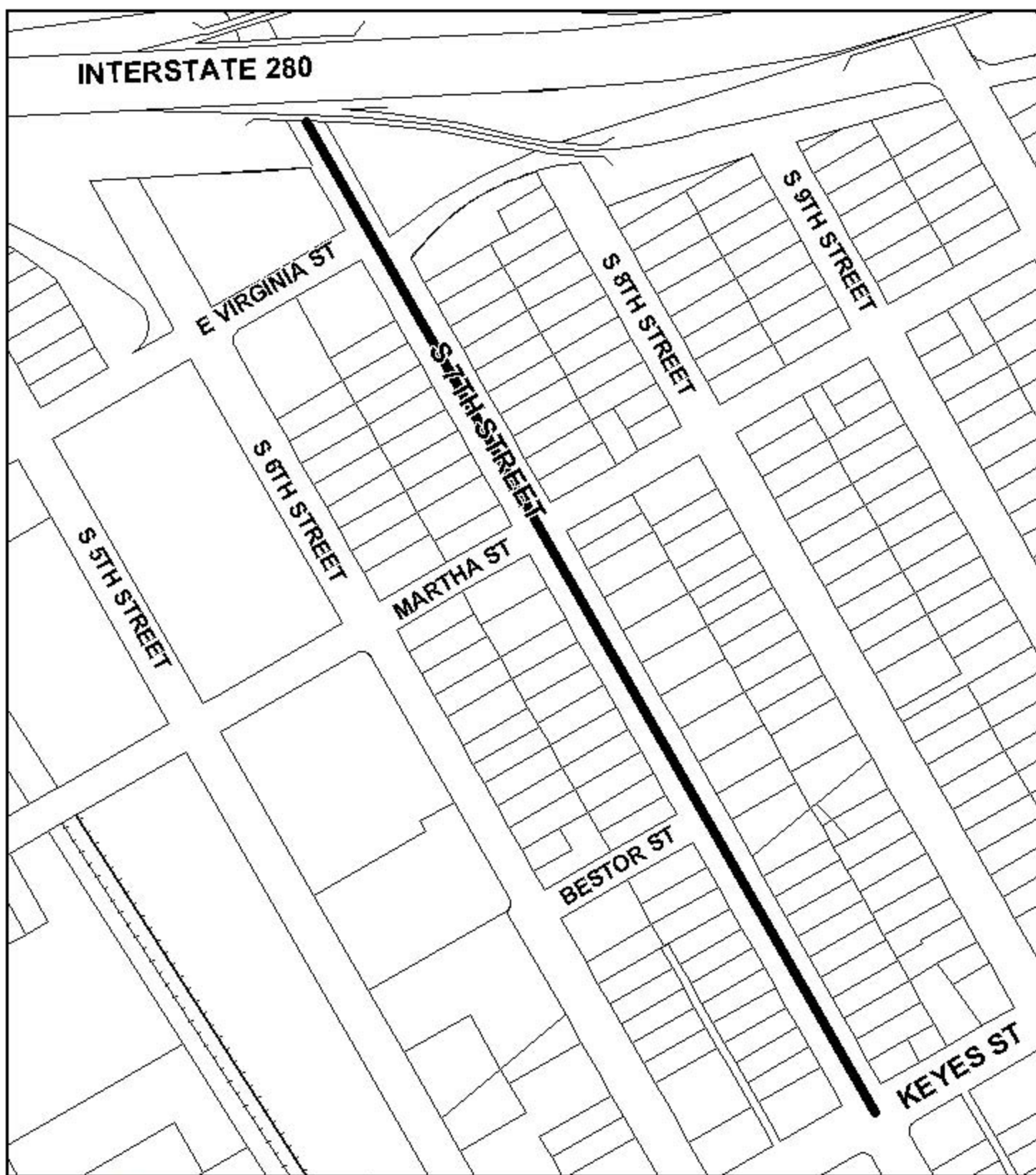
A public hearing on the project described above is tentatively scheduled for Monday, November 29, 2004 at City Hall in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Negative Declaration, Initial Study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Biblioteca Latinoamericana Branch Library at 921 South 1st Street, San José, CA 95110 San Jose, and online at <http://www.sanjoseca.gov/planning/eir/MND2004.htm>. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Project Manager Juan Borrelli** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: November 9, 2004

Deputy

GP04-03-04 AND GPT04-03-04



Department of Planning, Building
and Code Enforcement
Planning Services Division



SITE



Scale 1" = 250'
Quad: 83

**DRAFT
NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: S. 7th Street General Plan Amendment

PROJECT FILE NUMBER: GP04-03-04 and GPT04-03-04

PROJECT DESCRIPTION: San José Planning, Building & Code Enforcement (PB&CE) Director initiated and San José Department of Transportation (DOT) initiated (in response to a Strong Neighborhoods Initiative Neighborhood Advisory Committee request) amendment to the Land Use/Transportation Diagram and Appendix E of the City's adopted General Plan, to re-designate the segment of S. 7th Street, from Hwy. 280 to Keyes Street, from a "Major Collector – 4 Lanes" to a "Major Collector – 2 Lanes." This amendment will ensure that the existing street configuration (currently consists of two-lanes with bike lanes and on-street parking on both sides) in a predominantly single-family residential neighborhood is not redeveloped to a 4-lane collector.

Proposed text amendments to Appendix E of the adopted San José General Plan would include the following revisions:

S. 7th Street

- 2 Lanes from Hwy. 280 to E. Reed Street;
- 2 Lanes from Hwy. 280 to Keyes Street; and
- 4 Lanes from Keyes Street to Curtner Avenue.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Public Street ROW of S. 7th Street, from Hwy. 280 to Keyes Street; N/A

COUNCIL DISTRICT: 3

NAME OF APPLICANT: City of San José PB&CE and City of San José DOT, Attn.: Project Manager Juan F. Borrelli, AICP

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON: 801 N. 1st Street, Room 400, San José, CA 95110, Phone: (408) 277-4576

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies no significant effects on the environment that require mitigation.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **November 29, 2004**, any person may:

- (1) Review the Draft Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San José, Room 400 and include a \$100 filing fee. The written protest should make a “fair argument” based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft ND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: November 9, 2004

Deputy

Adopted on: _____

Deputy